

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Raymond Parker, *et al.*,

Plaintiffs,

Civ. No. 06-4821 (RHK/AJB)  
**ORDER**

v.

Rowland Express, Inc., its health and  
welfare benefit plans and/or plan  
administrators, John Does 1-6, and James  
Rowland,

Defendants.

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This matter is before the Court upon a Report and Recommendation from Magistrate Judge Arthur J. Boylan dated July 7, 2008 (Doc. No. 101). Therein, Judge Boylan recommended that Defendant James Rowland's Answer (Doc. No. 40) be stricken and a default judgment entered against him pursuant to Federal Rule of Civil Procedure 37(b)(2), as a sanction for his failure to comply with numerous Orders of the Court.<sup>1</sup> No Objections to the Report and Recommendation have been filed.

The Court having reviewed the Report and Recommendation and concluding that the relief recommended therein is warranted, and based on all the files, records, and proceedings herein, **IT IS ORDERED** as follows:

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<sup>1</sup> Judge Boylan also recommended the same relief against Defendants Rowland Express, Inc. and John Does 1-6, but noted that Rowland Express has filed for bankruptcy and, as a result, such relief cannot be granted at this juncture.

1. The Report and Recommendation (Doc. No. 101) is **ADOPTED**;
2. Defendant James Rowland's Answer (Doc. No. 40) is **STRICKEN** and the Clerk of the Court is **DIRECTED** to enter Rowland's default, pursuant to Federal Rule of Civil Procedure 55(a);
3. A default judgment shall be entered on each and every claim brought by Plaintiffs against Rowland under Federal Rule of Civil Procedure 55(b). The amount of that judgment shall be determined by the Court upon further submissions by Plaintiffs; and
4. Plaintiffs are **DIRECTED** to inform the Court as soon as practicable once (i) the Bankruptcy Court grants Plaintiffs relief from the automatic stay vis-a-vis the claims asserted in this action against Rowland Express or (ii) the automatic stay lapses or otherwise no longer applies, whichever occurs sooner.

Dated: July 30, 2008

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge